FARAD CONTINUATION SHEET
APPELLATE SIDE
Civil Application No.806 of 2006
In
Second Appeal St.No.10045 of 2006

Office Notes, Office Memoranda Court's or Judge's orders
of Coram, appearance, Court's
orders or directions and
Registrar's orders

Mr.Pratap Patil for applicants.
Mr.M.A.Utagikar for resp.no.1.

CORAM: B.H.MARLAPALLE,J.

April 11, 2007.

P.C.

. Mr.Patil, the learned counsel for the applicants states that he wants to delete respondent nos.13 and 22. Leave granted and in any case they are reported to be dead. Appeal memo be amended forthwith.

. This application is filed to condone the delay in filing Second Appeal Stamp No.10045 of 2006. The decree appealed against has been passed by the lower appellate Court on 28/9/2001. The decree holders had initiated execution

proceedings and the decree was in fact executed. However, on account of the contempt petition filed before this Court for disobeying the status quo order, the possession of the suit property appears to have been restored. It is contended in this application that they had contacted one Mr.Mane through the son of applicant No.1D and inspite of such instructions having been given, appeal was not filed. It is further contended that Mr.Mane was hospitalised and he was bedridden upto 19/8/2005. All these reasons have been disputed by the respondents in their affidavit-in-reply.

. Ends of justice would be met if the statutory remedy of Second Appeal is not defeated on technical grounds and, therefore, this delay of about five years caused also deserves to be condoned, more so because of the earlier status quo order passed by this Court, but by levying exemplary costs.

. Hence the delay is condoned and the application is allowed subject to payment of costs quantified at Rs.2000/- and to be remitted to Maharashtra State Legal Services Authority within two weeks from today.

(B.H.MARLAPALLE,J.)